

## Session 114 - (2001-2002)

### H 3944 General Bill, By Harrison

#### **Similar (S 0592)**

**Summary:** Mental health, chemically dependent persons; involuntary treatment; duty of law enforcement, Alcohol or drug abuse

A BILL TO AMEND SECTION 44-17-410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY MENTAL HEALTH ADMISSION PROCEDURES, SO AS TO ALLOW A PERSON ADMITTED ON AN EMERGENCY BASIS TO BE DISCHARGED, IF BEFORE THE HEARING A DESIGNATED EXAMINER DETERMINES THAT THE PERSON NO LONGER REQUIRES INVOLUNTARY TREATMENT; TO AMEND SECTION 44-17-430, AS AMENDED, RELATING TO PROCEDURES FOR TAKING A PERSON INTO CUSTODY FOR TWENTY-FOUR HOURS WHEN THEY ARE ALLEGED TO BE LIKELY TO CAUSE SERIOUS HARM AND A PHYSICIAN IS NOT AVAILABLE TO EXAMINE THE PERSON BEFORE HE'S TAKEN INTO CUSTODY, SO AS TO PROVIDE THAT IF A PERSON IS NOT TAKEN INTO CUSTODY WITHIN SEVENTY-TWO HOURS OF THE ISSUANCE OF THE PROBATE COURT ORDER AUTHORIZING TAKING THE PERSON INTO CUSTODY, THE ORDER EXPIRES; TO ADD SECTION 44-17-435 SO AS TO AUTHORIZE AND PROVIDE PROCEDURES FOR A LAW ENFORCEMENT OFFICER TO TAKE A PERSON TO A MENTAL HEALTH FACILITY IF THE PERSON POSES A LIKELIHOOD OF CAUSING SERIOUS HARM TO HIMSELF OR OTHERS; TO AMEND SECTION 44-17-580, AS AMENDED, RELATING TO MENTAL HEALTH TREATMENT OF A PERSON FOUND TO BE MENTALLY ILL AND IN NEED OF INVOLUNTARY TREATMENT, SO AS TO PROVIDE PROCEDURES AUTHORIZING THE COURT TO REQUIRE A LAW ENFORCEMENT OFFICER TO TAKE A PERSON INTO PROTECTIVE CUSTODY IF THE PERSON WAS ORDERED TO OUTPATIENT TREATMENT AND DID NOT ATTEND; TO AMEND SECTION 44-17-900, RELATING TO IMMUNITY FROM LIABILITY FOR A SUPERINTENDENT OF A MENTAL HEALTH FACILITY WHO LEGALLY PARTICIPATED IN THE RELEASE OR DISCHARGE OF A PATIENT FROM A MENTAL HEALTH FACILITY, SO AS TO EXTEND THE IMMUNITY TO DIRECTORS OF FACILITIES, PHYSICIANS, HEALTH CARE PROVIDERS, EXAMINERS, INTERESTED PERSONS, AND LAW ENFORCEMENT OFFICERS; TO AMEND SECTION 44-22-150, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON IN A MENTAL HEALTH FACILITY OR A DRUG ABUSE FACILITY MAY NOT BE SUBJECTED TO RESTRAINT, SECLUSION, OR PHYSICAL COERCION UNLESS AUTHORIZED IN WRITING BY A PHYSICIAN, SO AS TO EXTEND THE AUTHORITY TO ORDER SUCH TREATMENT TO A LICENSED INDEPENDENT CONTRACTOR; TO AMEND SECTION 44-52-50, AS AMENDED, RELATING TO PROCEDURES FOR EMERGENCY ADMISSION FOR PERSONS WHO ARE CHEMICALLY DEPENDENT AND IN NEED OF TREATMENT, SO AS TO PROVIDE THAT IF A PERSON IS NOT TAKEN INTO CUSTODY WITHIN SEVENTY-TWO HOURS OF THE ISSUANCE OF THE PROBATE COURT ORDER AUTHORIZING TAKING THE PERSON INTO CUSTODY, THE ORDER EXPIRES; TO ADD SECTION 44-52-55 SO AS TO AUTHORIZE AND PROVIDE PROCEDURES FOR A LAW ENFORCEMENT OFFICER TO TAKE A PERSON INTO CUSTODY IF THE OFFICER REASONABLY BELIEVES THE PERSON IS SUFFERING FROM CHEMICAL DEPENDENCY AND POSES A RISK OF HARM TO HIMSELF OR OTHERS.

**04/17/01 House Introduced and read first time HJ-14**

**04/17/01 House Referred to Committee on Judiciary HJ-16**